

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**DAVID SIMPKINS and
SALLY SIMPKINS,**

Plaintiffs,

v.

JOHN MAHER BUILDERS, INC. et al.,

Defendants.


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) **No. 3:23-cv-01367**
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ORDER

The Magistrate Judge’s Report and Recommendation (“R&R”) (Doc. No. 38) was filed on September 10, 2024. He recommends this action be dismissed without prejudice under Federal Rule of Civil Procedure 4(m) because Plaintiffs failed to effectuate service on Defendants and Rule 41(b) for failure to prosecute this case. Plaintiffs have not filed an objection to the R&R despite the R&R’s specific warnings regarding waiver. (Doc. No. 38 at 2). When neither party objects to the R&R within 14 days of service, the Court need not review the matter independently. Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).

Regardless, the Court reviewed the R&R and agrees with its recommended disposition. The R&R (Doc. No. 38) is **APPROVED AND ADOPTED**. This action is **DISMISSED WITHOUT PREJUDICE** under Federal Rules of Civil Procedure 4(m) and 41(b). This is a final judgment. The Clerk shall close this file.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
UNITED STATES DISTRICT JUDGE